

876. Adulteration and misbranding of first aid kits. U. S. v. 236 packages of White Cross All Purpose First Aid Kit. Consent decree of condemnation. Product ordered released for relabeling and replacement of unsterile gauze and adhesive bandages. (F. D. C. No. 7405. Sample No. 89176-E.)

On April 28, 1942, the United States attorney for the District of Connecticut filed a libel at Hartford, Conn., against 236 packages of the above-named product, alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by the American White Cross Laboratories, Inc., from New Rochelle, New York. The article was labeled in part: "White Cross All Purpose First Aid Kit." Each kit contained, among other things, a package labeled "Sterilized White Cross Surgical Gauze" and a number of envelopes of adhesive strips.

Bacteriological tests on samples from this consignment showed that the gauze and adhesive strips were not sterile but were contaminated with viable aerobic and anaerobic or facultative anaerobic micro-organisms.

It was alleged to be adulterated in that the purity and quality of the surgical gauze fell below that which it was represented to possess, since the article was not sterile but was contaminated with living micro-organisms.

The article was alleged to be misbranded in that the statement, "First Aid Kit," was false and misleading when applied to an article that was not sterile. It was further misbranded in that the outside container, which was the retail package, did not bear an accurate statement of the quantity of contents.

On November 9, 1942, the American White Cross Laboratories, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond so that it could be relabeled and the surgical gauze and adhesive bandages be replaced by sterile gauze and sterile bandages.

877. Adulteration and misbranding of vitamin A, B₁, D, G capsules. U. S. v. 35 Dozen Bottles of Hyde Brand Vitamins A, B₁, D, G Capsules. Default decree of condemnation and destruction. (F. D. C. No. 7812. Sample No. 54955-E.)

On June 26, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against the above-named product at Northumberland, Pa., alleging that the article had been shipped in interstate commerce on or about April 18, 1942, by McCambridge and McCambridge Co., from Washington, D. C.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess since it contained not more than 750 U. S. P. units of vitamin D per capsule.

It was alleged to be misbranded in that the statement on the label, "Each capsule contains not less than * * * 1000 U. S. P. Units of Vitamin D," was false as applied to an article that contained not more than 750 such units of vitamin D per capsule. It was alleged to be misbranded further in that the prominent display of the letter "G" in the name of the article, "Vitamin * * * G Capsules," was misleading since the statement represented and suggested that the article contained consequential amounts of Vitamin G, whereas it did not. It was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods reported in F. N. J. No. 4700.

On August 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

878. Adulteration and misbranding of "Be" Plex vitamin B-complex with minerals and Iron. U. S. v. 14 Cases of "Be" Plex Vitamin B-Complex With Minerals and Iron. Default decree of condemnation and destruction. (F. D. C. No. 7523. Sample No. 71436-E.)

On May 18, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 12 1-pint bottles of the above-named product at St. Louis, Mo. On November 7, 1942, the libel was amended to change the amount to 14 cases, each containing 12 1-pint bottles, of the said product. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about January 9, 1942, by the Hale Drug Co. from Birmingham, Ala.; and charged that it was adulterated and misbranded.

Examination of the article showed that it contained not more than 25 percent of the vitamin B₁ content declared on the label.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented on the label to possess, namely, 660 International Units of vitamin B₁ per fluid ounce.

It was alleged to be misbranded in that the following statements in the labeling, "Valuable (in cases of vitamin deficiency) as an aid to promote